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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/780,473	02/17/2004	Carel J.L. Van Driel	PHN 16-613A	1391
24737	7590	07/21/2005	EXAMINER	
PHILIPS INTELLECTUAL PROPERTY & STANDARDS P.O. BOX 3001 BRIARCLIFF MANOR, NY 10510			JAIN, RAJ K	
			ART UNIT	PAPER NUMBER
			2664	

DATE MAILED: 07/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/780,473	Applicant(s) VAN DRIEL, CAREL J.L.	
	Examiner Raj K. Jain	Art Unit 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>2/17/04</u> . | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

Claims 11-16 examined on the merits.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 11-16 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-5 of U.S. Patent No. 6,721,329 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because it would have been obvious to one of ordinary skill in the art at the time the present application claims were made to make the present application claims broader than the patented application.

Comparison of the two applications:

Claims 11, 12 and 15 of the present application (10/780,473) discloses a network and means for transmission of packets to a primary node according to predetermined transmission properties, further the network includes a first address translation means and a second address translation means for translating the address information back to the initial address information. Further, dependent claim 12 includes a selection means for a selector configured to select packets according to transmission properties contained in the address information in the packet headers.

Similarly, claims 1 and 5 of U.S. Patent No. 6,721,329 B1 also discloses a network for transmission of packets to a primary node according to predetermined transmission properties, further the network includes a first address translation translator and a second address translation translator for translating the address information back to the initial address information. The patented application further includes a selector configured to select packets according to transmission properties contained in the address information in the packet headers, within the independent claims 1 and 5.

The current application does not contain the last limitation within the independent claims, however, it is listed as dependent claim 12. Thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the independent claims broader in scope without deviation from the main invention at hand by removing one or more of the narrower claim limitations. Thus, both the current application and the U.S. Patent No. 6,721,329 B1, have claim languages that are

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phrased differently to claim the same subject matter, thus they are not patentably distinct from each other.

Claim 15 of the present application (10/780,473) discloses a destination node receiving packets from a plurality of source nodes containing initial address information and performing the first address translation that contains the destination address, the destination node arranged to perform the second address translation back to the initial address information.

Similarly, claim 4 of U.S. Patent No. 6,721,329 B1 also discloses a primary node or the destination node receiving packets from a plurality of secondary nodes or source nodes containing the initial address information and performing the first address translation that contains the destination address, the primary node arranged to perform the second address translation back to the initial address information.

Thus, both the current application and the U.S. Patent No. 6,721,329 B1, have claim languages that are phrased differently to claim the same subject matter, thus they are not patentably distinct from each other.

Claims 13 and 14 of the present application are identical to claims 2 and 3 of U.S. Patent No. 6,721,329 B1.

This is a provisional obviousness-type double patenting rejection because the conflicting claims of the present application have not in fact been patented.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 11, 15, and 16 are allowed. The prior art discloses a communications system with a plurality of secondary nodes interconnected to one or more primary nodes which are arranged for receiving packets from the secondary nodes, whereby the secondary nodes performs an initial address translation providing information within the packet headers the address of the destination node or the primary node.

The prior art however fails to disclose the destination node or the receiving node performing a "reverse" address translation, translating the address back into the initial address information present in the packets as transmitted from the source node.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Raj Jain whose telephone number is 571-272-3145.

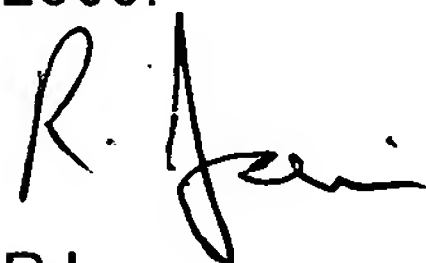
The examiner can normally be reached on M-F.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wellington Chin can be reached on 571-272-3134. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for regular communications and (703) 872-9306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-

2600.

A handwritten signature in black ink, appearing to be "R. J. J. J. J." with a stylized flourish at the end.

RJ

June 22, 2005